

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## **AGENDA FOR REGULAR COUNCIL MEETING**

---

October 2, 2012  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE  
10<sup>th</sup> FLOOR CONFERENCE ROOM  
October 1, 2012  
9:00 a.m.

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

***PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.***

### **ROLL CALL**

### **INVOCATION BY POLICE CHAPLAIN LISLE DAVIS**

### **PLEDGE OF ALLEGIANCE**

### **MAYOR'S PROCLAMATIONS**

1. TOM LEA MONTH
2. NATIONAL NIGHT OUT
3. MANO Y CORAZÓN MULTICULTURAL HEALTH CARE SOLUTIONS WEEK
4. ARCHTOBER MONTH
5. DOWN SYNDROME AWARENESS MONTH

### **CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

## NOTICE

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

## NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

## REGULAR AGENDA – OTHER BUSINESS

### 1. MAYOR AND COUNCIL:

Discussion and action regarding a Resolution that the City of El Paso is proud to call for the establishment of the historic Organ Mountains-Desert Peaks National Monument in order to preserve areas within our region of historic, scientific, and scenic value for current and future generations, and that the City of El Paso requests that the President of United States use his authority under the 1906 Antiquities Act to establish the Organ Mountains-Desert Peaks National Monument. **(All Districts)**

[Representative Susie Byrd, (915) 541-4416]

POSTPONED FROM 9-25-12

### 2. CITY DEVELOPMENT:

Discussion and action on a Resolution that the City Manager be authorized to execute a Chapter 380 Economic Development Program Grant Agreement between the City of El Paso and the Civitas El Paso Regional Center, LLC, in relation to the establishment and operation of a regional center, pursuant to the U.S. Immigration and Nationality Act, as amended, 8 U.S.C. Sec. 1153(b)(f), and the related regulations released as 8 CFR 204.6 by the U.S. Citizenship and Immigration Service. **(All Districts)**

[City Development, Mathew McElroy, (915) 541-4193]

## CONSENT AGENDA

### 3. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of September 25, 2012.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

### 4. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor Pro Tempore Ann Morgan Lilly

**5. BOARD APPOINTMENTS:**

- 5A.** Julie Rutledge to the Animal Shelter Advisory Committee by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 5B.** Joseph Nestor to the Open Space Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- 5C.** Frederick Caldwell to the Parks and Recreation Advisory Board by Representative Carl L. Robinson, District 4. [Representative Carl L. Robinson, (915) 541-4400]

**REGULAR AGENDA - INTRODUCTION**

**6. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.  
Public comments are invited at the date of the scheduled public hearing.**

- 6A.** An Ordinance amending Title 12 (Vehicles and Traffic) Chapter 12.32 (Pedestrians) of the El Paso City Code by repealing Section 12.32.060 (Soliciting Rides or Business - Prohibitions) and adopting a new Section 12.32.063 (Solicitation Prohibitions), to prohibit the aggressive solicitation of money or other services while at or near certain areas, and creating an offense; the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code. **(All Districts)** [City Manager, Joyce Wilson, (915) 541-4071]

**PUBLIC HEARING WILL BE HELD ON OCTOBER 9, 2012, FOR ITEM 6A**

- 6B.** An Ordinance amending Title 18 (Building & Construction), Chapter 18.46 (Landscape), Sections 18.46.070 (Plans Required) and 18.46.110 (Irrigation Standards) and Chapter 18.47 (Irrigation Systems), Sections 18.47.080 (Irrigation Plan Design: Minimum Standards) and 18.47.090 (Design and Installation: Minimum Requirements) of the El Paso City Code, to add Architects & Engineers as permitted designed professionals for Landscape and Irrigation plans, and to move the Irrigation Standards from the Landscape Code to the Irrigation Systems Code, the penalty being as provided in Sections 18.46.320 (Violations-Penalty) and 18.47.180 (Enforcement) of the El Paso City Code. **(All Districts)** [City Development, Victor Morrison-Vega, (915) 541-4556]

**PUBLIC HEARING WILL BE HELD ON OCTOBER 16, 2012, FOR ITEM 6B**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

**REGULAR AGENDA – PUBLIC HEARINGS**

**7. CITY DEVELOPMENT:**

- 7A.** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places) Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.070

(Installation of Sidewalk on Property on which Building Permit Issued) of the El Paso City Code to amend the requirements for installation of sidewalks. The penalty being as provided in Section 13.08.140 of the El Paso City Code.

**(All Districts)** [City Development, Kimberly Forsyth, (915) 541-4668]

POSTPONED FROM 9-18-12

- 7B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting Code) Sections 18.18.060 (Definitions), 18.18.240 (Laser Source Lighting), 18.18.250 (Searchlights) and 18.18.280 (Temporary Exemption Requirements) of the El Paso City Code, to increase the time for a temporary exemption permit for Laser Source Lights and Searchlights from three days to not more than thirty days, the penalty being as provided in Section 18.18.400 (Violations) of the El Paso City Code. **(All Districts)**  
[City Development, Victor Morrison-Vega, (915) 541-4556]
- 7C.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 23 and 24, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00015 Applicant Information: Jaime Lopez, Jr., 204 Hardesty, El Paso, TX 79905 **(District 8)** [City Development, Raul Garcia, (915) 541-4935]
- 7D.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 19 and 20, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00012 Applicant Information: Jose D. Lucero, 210 Hardesty, El Paso, TX 79905 **(District 8)** [City Development, Raul Garcia, (915) 541-4935]
- 7E.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 10 and 11, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00002 Applicant Information: Eva R. Valles, 218 Hardesty, El Paso, TX 79905 **(District 8)** [City Development, Raul Garcia, (915) 541-4935]

### **REGULAR AGENDA – OTHER BUSINESS**

#### **8. CITY ATTORNEY:**

Discussion and action regarding a Resolution that the City Manager be authorized to sign an Amendment to the Professional Services Agreement by and between the City of El Paso and Focused Advocacy, LLC to extend said Agreement for an additional year for a term ending on October 13, 2013 under the same terms and conditions as the current Agreement. Compensation shall not exceed \$78,000 that will be paid out in monthly installments of \$6,500 each, plus reasonable pre-approved travel expenses to El Paso. The total amount shall not exceed \$90,000 annually. **(All Districts)**

[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

#### **9. CITY DEVELOPMENT:**

- 9A.** Discussion and action on approval for the City Manager to execute any and all documents related to the purchase of 801 and 811 Texas Street from Harl Dixon for consideration in the amount of \$2,300,000. Said property to be used to relocate City Development and other customer service oriented departments.

**(District 8)**

[City Development, Mathew McElroy, (915) 541-4193]

[City Development, Jane Tomchik, (915) 541-4897]

- 9B.** Discussion and action on approval for the City Manager to execute any and all documents related to the purchase of 300 North Campbell, the "El Paso Times" Building and 400 E. Main and 401 E. Mills for consideration in the amount of \$12,250,000 inclusive. **(District 8)**

[City Development, Mathew McElroy, (915) 541-4193]

[City Development, Jane Tomchik, (915) 541-4897]

#### **10. CITY MANAGER:**

Discussion and action that the City Manager be authorized to sign an agreement by and between the City of El Paso and NO D.U.I. El Paso to provide funding to offset the costs incurred in providing designated driver service trips to individuals from establishments within the El Paso City limits in an effort to reduce alcohol-related accidents for a term of one year beginning on October 2, 2012 to October 1, 2013. **(All Districts)**

[City Manager's Office, Leila Melendez, (915) 541-4859]

#### **11. MAYOR AND COUNCIL:**

- 11A.** Discussion and action on the city's policy concerning media lists, databases, and social media utilized in sharing of information to others outside of the city organization, to include exceptions to the policy and whether staff should exclude persons that are not media from being on such lists.

[Representative Emma Acosta, (915) 541-4515]

[Representative Susie Byrd, (915) 541-4416]

- 11B.** Discussion and action on a Resolution that the Mayor be authorized to sign a Memorandum of Agreement with the United States Department of Homeland Security and the United States Department of Customs and Border Protection in order to implement the Project 21 program, a technology-based tracking mechanism from Secure Origins to enhance the efficient border crossing of commercial goods. [Mayor John F. Cook, (915) 541-4145]

- 11C.** Discussion and action on a Resolution that the City Manager or designee be authorized to sign a contract to fund a 90-day pilot program with Secure Origins, Inc. in the amount of \$195,000, using Project 21 to facilitate cross border traffic at the Ysleta-Zaragoza Port of Entry. [Mayor John F. Cook, (915) 541-4145]

### **EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

**EX1.** Andres Cortez v. Jorge Gonzalez, et. al.; Cause No. EP-12-CV-00050-PRM (551.071)

[City Attorney's Office, Kenneth Krohn, (915) 541-4550]

POSTPONED FROM 9-25-12

**EX2.** Conduct attorney-client communications between the City and its legal counsel to seek advice from legal counsel regarding contemplated litigation related to Texas Public Information Act compliance and appeals. (551.071)

[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

**NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>